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APPLICATION NO.	I	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/758,729		01/16/2004	Randall B. Lauffer	13498-019003	6363	
26191	7590	09/15/2004		EXAMINER		
FISH & RI			HARTLEY, MICHAEL G			
3300 DAIN 60 SOUTH		HER PLAZA FREET	ART UNIT	PAPER NUMBER		
MINNEAPO	DLIS, MI	N 55402	1616			
				DATE MAILED: 09/15/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
		10/758,729	LAUFFER ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Michael G. Hartley	1616				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)	Responsive to communication(s) filed on						
,	•	action is non-final.					
3) 🗌	Since this application is in condition for allowa						
	closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposit	ion of Claims						
4)⊠	4)⊠ Claim(s) <u>1-21</u> is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)[5) Claim(s) is/are allowed.						
•	Claim(s) is/are rejected.						
•	Claim(s) is/are objected to.						
8)	Claim(s) <u>1-21</u> are subject to restriction and/or	election requirement.					
Applicat	ion Papers						
9) 🗌	The specification is objected to by the Examine	er.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
11)	The oath or declaration is objected to by the E.	xammer, Note the attached Office	ACION OF IONITY TO-132.				
Priority	under 35 U.S.C. § 119						
12)	Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. § 119(a)-(d) or (f).				
a)	☐ All b)☐ Some * c)☐ None of:						
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
Gee the attached detailed Office action for a list of the certified copies not received.							
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
	Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
3) 🔲 Infor	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08	5) Notice of Informal F 6) Other:	Patent Application (PTO-152)				
Paper No(s)/Mail Date 6) [_] Other:							

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Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: 1) various IEM (image enhancing moieties) including organic molecules, metal ions, clusters, particles, labeled peptides, labeled proteins, labeled polymers, labeled liposomes, and dyes, 2) various PBM (protein binding moieties), including, drugs, organic molecules, porphyrins, ligands, steroids, lipids, hormones, peptides, proteins, oligonucleotides and antibodies, 2) various "modification sites.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election. **NOTE**: The elected species with define a specific compound for the "prodrug contrast agent" claimed having all variables specifically defined, e.g., a species is a single compound.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael G. Hartley whose telephone number is (571) 272-0616. The examiner can normally be reached on M-Tu and Th-F, 7:30-4, Telework on Wed..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael G. Hartley Primary Examiner Art Unit 1616

9/13/2004